

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID A. TROPP,

Plaintiff,

V.

CONAIR CORPORATION, BROOKSTONE, INC., BRIGGS & RILEY TRAVELWARE LLC, DELSEY LUGGAGE INC., EBAGS, INC., EAGLE CREEK, a division of VF OUTDOOR, INC., MASTER LOCK COMPANY, LLC, HP MARKETING CORP. LTD, L.C. INDUSTRIES, LLC, OUTPAC DESIGNS INC., MAGELLAN'S INTERNATIONAL TRAVEL CORPORATION, SAMSONITE CORPORATION, TITAN LUGGAGE USA, TRAVELPRO INTERNATIONAL INC, TUMI, INC, TRG ACCESSORIES, LLC, and WORDLOCK, INC.,

Defendants.

Hon. Eric N. Vitaliano, U.S.D.J.

Hon. Roanne L. Mann, U.S.M.J.

Civil Action No. 1:08-cv-04446

**DEFENDANTS' MOTION FOR FEES AND COSTS
PURSUANT TO 35 U.S.C. § 285 AND 28 U.S.C. § 1927**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of this Motion for Fees and Costs Pursuant to 35 U.S.C. § 285 and 28 U.S.C. § 1927, the Affidavit of Zachary W. Berk, Esq., and upon all pleadings and proceedings herein, defendants, Conair Corporation, Brookstone Stores, Inc. (and Brookstone Company, Inc.), Briggs & Riley Travelware LLC, Delsey Luggage Inc., eBags, Inc., Eagle Creek, a division of VF Outdoor, Inc., L.C. Industries, Inc., Master Lock Company, LLC, Magellan's International Travel Corporation, Outpac Designs, Inc., Samsonite Corporation, Travelpro International, Inc., Tumi, Inc., TRG Accessories, LLC, and Wordlock, Inc., will move this Court, at a date and time to be determined

by the Court, before the Honorable Eric N. Vitaliano, United States District Judge, at the United States Courthouse for the Eastern District of New York, Brooklyn Courthouse, 225 Cadman Plaza East, Brooklyn, New York, for fees and costs based on 35 U.S.C. § 285 and 28 U.S.C. § 1927.

Dated: September 6, 2011

By: /s/ William L. Prickett

William L. Prickett (WP-7278)
Zachary W. Berk (ZB-0459)
(Admitted *pro hac vice*)
SEYFARTH SHAW LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

*Attorneys for Defendants Conair Corporation,
Master Lock Company, LLC, L.C. Industries,
LLC, Samsonite Corporation, Travelpro
International, Inc., and TRG Accessories, LLC*

By: /s/ Gary M. Butter

Gary M. Butter (GB-8925)
Jennifer Cozeolino (JC-4841)
Baker Botts, LLP
30 Rockefeller Plaza
New York, NY 10112
212-408-2546

Attorneys for Defendant Tumi, Inc.

By: /s/ Anthony J. DiFilippi

Anthony J. DiFilippi
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017-5621
(212) 885-9215

*Attorneys for Defendant Briggs & Riley
Travelware LLC*

By: /s/ Michael F. Maschio

Michael F. Maschio (2366)
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9270

Attorneys for Outpac Designs Inc.

By: /s/ Steven Russell Gustavson

Steven Russell Gustavson
Thomas F. Fitzpatrick
Goodwin Procter LLP
135 Commonwealth Drive
Menlo Park, CA 94025
650.752.3144

Attorneys for Defendant Wordlock Inc.

By: /s/ Brian A. Carpenter

Brian A. Carpenter
Buether Joe & Carpenter LLC
1700 Pacific, Suite 2390
Dallas, TX 75201
(214) 466-1273

*Attorneys for Defendants Brookstone Stores,
Inc., Brookstone Company, Inc. and Eagle
Creek, a division of VF Outdoor, Inc.*

By: /s/ Christopher F. Lonegro

Christopher F. Lonegro
Ober, Kaler, Grimes & Shriver
130 East Baltimore Street
Baltimore, MD 21202
(410) 347-7675

*Attorneys for Defendant Delsey Luggage,
Inc.*

By: /s/ Janet Cullum

Janet Cullum
Carolyn Juarez
Cooley Godward Kronish LLP
The Grace Building
1114 Avenue of the Americas
New York, NY 10036
(212) 479-6000

Attorneys for eBags, Inc.

By: /s/ Robert J. Kenney

Robert J. Kenney (*pro hac vice*)
Q. Rick Corrie, (*pro hac vice*)
Birch, Steward, Kolasch & Birch
8110 Gatehouse Road, Suite 100E
Falls Church, VA 22042
(703) 205-8000

*Attorneys for Defendant Magellan's
International Travel Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2011, I served the foregoing upon counsel for the Plaintiff, via hand delivery and e-mail (PDF version), as well as all other counsel who have entered an appearance in this action via e-mail (PDF version).

/s/ Zachary W. Berk
Zachary W. Berk